

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY E. JOHNSON,  
Petitioner,  
v.

No. C 08-05405 CW (PR)

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

BILL LOCKYER, Warden,  
Respondent.

Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On the same day the action was filed the Court sent a notification to Petitioner informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's in forma pauperis application. The Clerk sent Petitioner a blank in forma pauperis application and told him that he must pay the fee or return the completed application within thirty days or his action would be dismissed.

On December 18, 2008, Petitioner filed an in forma pauperis application along with his prison trust account statement; however, Petitioner did not file a copy of his Certificate of Funds.

On February 10, 2009, the Court issued an Order Regarding In Forma Pauperis Motion. The Court directed Petitioner either to pay the fee or file a copy of his Certificate of Funds within thirty days or his action would be dismissed.

On February 19, 2009, Petitioner filed another prison trust account statement but again failed to file a copy of his Certificate of Funds.

1 More than thirty days have passed and Petitioner has not paid  
2 the filing fee or filed a copy of his Certificate of Funds.  
3 Therefore, his in forma pauperis application is incomplete.

4 Accordingly, this action is DISMISSED WITHOUT PREJUDICE.  
5 Petitioner's in forma pauperis application is DENIED as incomplete.  
6 The Clerk of the Court shall close the file.

7 This Order terminates Docket no. 3.

8 IT IS SO ORDERED.

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10 Dated: 3/25/09

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CLAUDIA WILKEN  
12 UNITED STATES DISTRICT JUDGE  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY E. JOHNSON,

Plaintiff,

v.

BILL LOCKYER et al,

Defendant.

Case Number: CV08-05405 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 25, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony E. Johnson K-00750  
FA-5-118L  
CSP-Sacramento  
P.O. Box 290066  
Represa, CA 95671-0066

Dated: March 25, 2009

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk